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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION *PLAINTIFF*	§	
	§	
VS.	§	Civil Action No. 2-06CV-165
	§	
CITY NATIONAL CORPORATION AND CITY NATIONAL BANK *DEFENDANTS*	§	JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

I. THE PARTIES

1. Plaintiff **DataTreasury Corporation** ("DataTreasury") is a Delaware corporation that maintains its principal place of business at 101 East Park Blvd., # 600, Plano, Texas, 75074

2. Defendant **City National Corporation** is a Delaware corporation that maintains its principal place of business at City National Center, 400 North Roxbury Drive, Beverly Hills, California 90210. This Defendant does business in Texas and can be served with process through its Registered Agent for Service, Michael B. Cahill, 400 North Roxbury Drive, Beverly Hills, California 90210

3. Defendant **City National Bank** is a wholly-owned banking subsidiary of Defendant City National Corporation. This Defendant does business in Texas and can be served with process through its President, Christopher J. Warmuth, City National Center, 400 North Roxbury Drive, Beverly Hills, California 90210.

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II. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. §271 et seq. and 28 U.S.C. §1338.

5. Personal jurisdiction exists generally over Defendants pursuant to 28 U.S.C. §1391 because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within this district. Personal jurisdiction also exists specifically over Defendants because of Defendants' conduct in making, using, selling, offering to sell, and/or importing, directly, contributorily, and/or by inducement, infringing products and services within the State of Texas and within this district. In particular, Defendants have provided services and sold products in this District separately and with or for other infringing companies which are or were Defendants in related pending litigation the United States District Court for the Eastern District of Texas.

6. Venue is proper in this Court under 28 U.S.C. §§1391(b), (c), and (d), as well as 28 U.S.C. §1400(b) for the reasons set forth above and below. Furthermore, venue is proper because the Defendants are currently engaging in infringing activities in this District with other Defendants in related and pending litigation filed by DataTreasury Corporation in the Eastern District of Texas, Marshall Division

7. Defendants are owners or current users of Small Value Payments Company, LLC and/or The Clearing House Payments Company, LLC.

8 Defendants are subject to personal jurisdiction, in addition to the reasons set forth above and below, because of their infringing activities with relation to the products and services of Small Value Payments Co., LLC and The Clearing House Payments Company,

LLC, also a defendant in DataTreasury litigation in the Eastern District of Texas, Marshall Division These Defendants operate a nationwide check image archive and exchange service that operates in or through this District. This Court has already determined in a previous Order that Small Value Payments Company, LLC is subject to the jurisdiction of this Court because of, *inter alia*, its performance of activities in this District related to its nationwide exchange and archive service. By their ownership and use of SVPCo, these Defendants have authorized, participated in, or facilitated transactions occurring in whole or in part within this District that, in whole or in part, infringe the patents asserted against them herein.

III. PATENT INFRINGMENT

9 DataTreasury is the owner as assignee of all rights, title and interest in and under United States Patent No. 5,910,988 ("the '988 patent"), which duly and legally issued on June 8, 1999, with Claudio Ballard as the named inventor, for an invention in remote image capture with centralized processing and storage.

10. DataTreasury is the owner as assignee of all rights, title, and interest in and under United States Patent No. 6,032,137 ("the '137 patent"), which duly and legally issued on February 29, 2000 with Claudio Ballard as the named inventor, for an invention in a remote image capture with centralized processing and storage.

11. DataTreasury has recently acquired all rights, title, and interest in and under United States Patent No. 5,265,007 ("the '007 patent"), which duly and legally issued on November 23, 1993, with John L. Barnhard, Jr., Thomas K Bowen, Terry L. Geer, and John W. Liebersbach as the named inventors, for an invention of a central check clearing system

12. DataTreasury has recently acquired all rights, title, and interest in and under United States Patent No. 5,717,868 ("the '868 patent"), which duly and legally issued on

February 10, 1998, with David L. James as the named inventor, for an invention with an electronic payment interchange concentrator.

13. This is an exceptional case within the meaning of 35 U.S.C. §285.

IV. COUNT ONE – THE '988 PATENT

14. The Defendants have been and are infringing the '988 patent by making, using, selling, offering for sale, and/or importing in or into the United States, directly, contributory, and/or by inducement, without authority, products and services that fall within the scope of the claims of the '988 patent. Unless these Defendants are enjoined by this Court, DataTreasury is without an adequate remedy at law.

15. The Defendants have been and are actively inducing and/or contributing to the infringement of the '988 patent among themselves and by others by their ownership of and participation with Small Value Payments Company, LLC.

16. The Defendants' infringement of the '988 patent has been and is willful.

V. COUNT TWO – THE '137 PATENT

17. The Defendants have been and are infringing the '137 patent by making, using, selling, offering for sale, and/or importing in or into the United States, directly, contributory, and/or by inducement, without authority, products and services that fall within the scope of the claims of the '137 patent. Unless the Defendants are enjoined by this Court, DataTreasury is without an adequate remedy at law.

18. The Defendants have been and are actively inducing and/or contributing to the infringement of the '137 patent among themselves and by others by their ownership of and participation with Small Value Payments Company, LLC.

19. The Defendants' infringement of the '137 patent has been and is willful.

VI. COUNT THREE – THE '007 PATENT

20. The Defendants have been and are infringing the '007 patent by making, using, selling, offering for sale, and/or importing in or into the United States, directly, contributory, and/or by inducement, without authority, products and services that fall within the scope of the claims of the '007 patent. Unless the Defendants are enjoined by this Court, DataTreasury is without an adequate remedy at law.

21. The Defendants have been and are actively inducing and/or contributing to the infringement of the '007 patent among themselves and by others by their ownership of and participation with Small Value Payments Company, LLC.

22. The Defendants' infringement of the '007 patent has been and is willful.

VII. COUNT FOUR – THE '868 PATENT

23. The Defendants have been and are infringing the '868 patent by making, using, selling, offering for sale, and/or importing in or into the United States, directly, contributory, and/or by inducement, without authority, products and services that fall within the scope of the claims of the '868 patent. Unless the Defendants are enjoined by this Court, DataTreasury is without an adequate remedy at law.

24. The Defendants have been and are actively inducing and/or contributing to the infringement of the '868 patent among themselves and by others by their ownership of and participation with Small Value Payments Company, LLC.

25. The Defendants' infringement of the '868 patent has been and is willful.

VIII. PRAYER FOR RELIEF

DataTreasury respectfully requests the following relief:

A. That the Court declare that the '988, '137, '007, and '868 patents are valid and enforceable and that they are infringed by Defendants as described herein;

B. That the Court enter a permanent injunction against Defendants' direct infringement of the '988, '137, '007, and '868 patents;

C. That the Court enter a permanent injunction against Defendants' active inducement of infringement and/or contributory infringement of the '988, '137, '007, and '868 patents among themselves and by others;

D. That the Court award damages to DataTreasury to which it is entitled for patent infringement;

E. That the Court award interest on the damages to DataTreasury;

F. That the Court treble all damages and interest for willful infringement;

G. That the Court award to DataTreasury its costs and attorney's fees incurred in this action; and

H. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

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